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ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Marianne Stone

Plaintiff,

vs.

Corral & Associates, Inc.

Defendant.

CV 08

3654

)
) COMPLAINT FOR VIOLATION
) OF FEDERAL FAIR DEBT
) COLLECTION PRACTICES ACT
) AND ROSENTHAL FAIR DEBT
) COLLECTION PRACTICES ACT
)
)
)

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA"), and the Rosenthal Fair Debt Collection Practices Act, Cal Civ Code § 1788, *et seq.* (hereinafter "RFDCPA"), both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices. Ancillary to the claims above, Plaintiff further alleges claims for

1 invasion of privacy arising from intrusion upon seclusion and public disclosure of
2 private facts.
3

4 II. JURISDICTION

5 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).
6

7 III. PARTIES

8 3. Plaintiff, Marianne Stone ("Plaintiff"), is a natural person residing in
9 San Francisco County, in the state of California, and is a "consumer" as defined
10 by the FDCPA, 15 U.S.C. § 1692a(3) and is a "debtor" as defined by Cal Civ
11 Code 1788.2(h).
12

13 4. At all relevant times herein, Defendant, Corral & Associates, Inc.
14 ("Defendant") was a Nevada corporation, engaged, by use of the mails and
15 telephone, in the business of collecting a debt from Plaintiff which qualifies as a
16 "debt," as defined by 15 U.S.C. § 1692a(5), and a "consumer debt," as defined by
17 Cal Civ Code § 1788.2(f). Defendant regularly attempts to collect debts alleged
18 to be due another, and therefore is a "debt collector" as defined by the FDCPA,
19 15 U.S.C. § 1692a(6), and RFDCPA, Cal Civ Code § 1788.2(c).
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23 IV. FACTUAL ALLEGATIONS

24 5. At various and multiple times prior to the filing of the instant
25 complaint, including within the one year preceding the filing of this complaint,
26 Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.
27
28

1 6. Over the past year, Defendant threatened to take actions that could
2 not legally be taken and/or that were not intended to be taken, including
3 threatening to embarrass Plaintiff by serving process to Plaintiff at work, when in
4 fact a lawsuit had not yet been filed, in violation of 15 USC § 1692e(5), (10) and
5 1692d(2), and Cal Civ Code 1788.11(a) and 1788.17.
6

7
8 7. During the past year, Defendant failed to provide notification to
9 Plaintiff of her rights as an alleged debtor pursuant to 15 USC § 1692g, including
10 failure to notify Plaintiff of her right to dispute the debt, in violation of 15 USC §
11 1692g(a)(3),(4) and (5) and Cal Civ Code 1788.17.
12

13
14 8. As a result of the above violations of the FDCPA and RFDCPA,
15 Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal
16 humiliation, embarrassment, mental anguish and emotional distress, and
17 Defendant is liable to Plaintiff for Plaintiff's actual damages, statutory damages,
18 and costs and attorney's fees.
19
20

21 **COUNT I: VIOLATION OF FAIR DEBT**
22 **COLLECTION PRACTICES ACT**

23 9. Plaintiff reincorporates by reference all of the preceding paragraphs.
24

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff respectfully prays that judgment be entered
27 against the Defendant for the following:
28

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF ROSENTHAL
FAIR DEBT COLLECTION PRACTICES ACT**

10. Plaintiff reincorporates by reference all of the preceding paragraphs.
11. To the extent that Defendant's actions, counted above, violated the RFDCPA, those actions were done knowingly and willfully

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the RFDCPA;
- B. Actual damages;
- C. Statutory damages for willful and negligent violations;
- D. Costs and reasonable attorney's fees,
- E. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

1 Respectfully submitted this 23rd day of July, 2008
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3

4 By: 

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